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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,443	08/01/2001	Yehuda Rest	00/21410	4731

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EXAMINER
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GANTT, ALAN T

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/918,443

Applicant(s)

REST ET AL.

Examiner

Alan T. Gantt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 7, 11-13, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 2, 4, -6, 8-10, 14-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKenna et al., in view of Bjorkman et al.

Regarding claim 1, McKenna discloses a communiqué system that operates with existing cellular networks. The communiqué system includes sources that can be a remotely located program source for providing for example network news, such as a national network station that is connected via a satellite uplink and satellite to a satellite downlink 126 and forwarded to satellite interface that is part of the communiqué system for cellular communication networks or can use the Public Switched Telephone Network and trunk interface (paragraph 0111). Thus, McKenna meets the limitations of:

A cellular telephone network comprising peripheral branches and a central high-capacity data trunking region and wherein said high-capacity data trunking region comprises a satellite interface for a satellite connection (paragraph 0111).

McKenna does not get into the specifics of synchronous data to non-synchronous data protocol

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Bjorkman discloses a telecommunication switch to provide Internet communication access and service. Bjorkman includes means for interfacing synchronous data communication protocol and asynchronous data communication protocol (col. 8, lines 21-64).

McKenna and Bjorkman are combinable since they share a common endeavor, namely, telecommunication switches that pass data communications. At the time of the applicant's invention it would have been obvious to modify McKenna to utilize means to interface synchronous and asynchronous data communication as done by Bjorkman to preserve intended order within these systems.

Regarding claim 3, Bjorkman meets the limitation - A cellular telephone network according to claim 1 wherein said synchronous data communication protocol is the E1 data protocol and the asynchronous data communication protocol is the TCP/IP data communication protocol, and wherein said satellite interface comprises an E1-TCP/IP converter. (col. 8, line 19 to col. 10, line 9)

Regarding claim 7, McKenna suggests the limitation - A cellular telephone network according to claim 1, wherein said satellite link is via geostationary orbit satellite. (paragraph 0111 -most satellite broadcasts are from geostationary satellites/

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Regarding claim 11, McKenna and Bjorkman meet the limitation - A cellular telephone network according to claim 1, wherein at least one of said peripheral branches comprises a satellite link and an E1 TCP/IP interface. (McKenna/ paragraph 0111 and Bjorkman/ col.8, lines21-64)

Claims 12, 13, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorkman et al., in view f McKenna et al.

Regarding claim 12, Bjorkman discloses a telecommunication switch to provide Internet communication access and service. Bjorkman includes means for interfacing synchronous data communication protocol and asynchronous data communication protocol (col. 8, lines 21-64). Thus, Bjorkman meets the limitations of :

A branch of a cellular telephone network based on a first synchronous data communication protocol, comprising interfaces using a second, asynchronous, data communication protocol, wherein said interfaces comprise converters for converting data between said first data communication protocol and said second data communication protocol. (col. 8, lines 21-64).

Bjorkman does not involve a satellite interface.

McKenna discloses a communiqué system that operates with existing cellular networks. The communiqué system includes sources that can be a remotely located program source for providing for example network news, such as a national network station that is connected via a satellite uplink and satellite to a satellite downlink and forwarded to satellite interface that is

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part of the communiqué system for cellular communication networks or can use the Public Switched Telephone Network and trunk interface (paragraph 0111). Thus, McKenna meets the limitations of:

Interfaces to a satellite interface (paragraph 0111)

Bjorkman and McKenna are combinable since they share a common endeavor, namely, telecommunication switches that pass data communications. At the time of the applicant's invention it would have been obvious to modify Bjorkman to utilize a satellite interface as done by Bjorkman to extend the flexibility of these systems.

Regarding claim 13, McKenna meets the limitation - A branch according to claim 12, wherein said interfaces are arranged to provide said satellite link as a parallel path to a terrestrial data link. (paragraph 0109)

Regarding claim 28, McKenna meets the limitation - A communication backbone according to claim 27 wherein said high capacity TCP/IP data links comprise satellite links. (paragraph 0111)

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 27 is rejected under 35 U.S.C. 102(b) as being anticipated by Bjorkman.

Regarding claim 27, Bjorkman discloses a telecommunication switch to provide Internet communication access and service. Bjorkman meets the limitation - A communication backbone comprising high capacity E1 links and high capacity TCP/IP links and E1-TCP/IP converters therebetween. (col. 8, line 19 to col. 10, line 9)

### ***Allowable Subject Matter***

Claims 2, 4, 5, 8-10, and 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 2, 4-6, 8-10, and 14-18, the claim's particulars were neither found, suggested, nor made evident by the prior art.

### ***Conclusion***

Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (571) 272-7878. The examiner can normally be reached

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between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703) 872-9306.

Any inquiry of a general nature or relating to this application should be directed to Supervisory Patent Examiner Nay Maung at telephone number (703) 305-4700.

*Alan T. Gantt*

Alan T. Gantt

May 14, 2005

*Nick Corsaro*

**NICK CORSARO  
PRIMARY EXAMINER**